

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 103

May 1, 1996, 7:45 p.m.
Page S-4508 Temp. Record

ILLEGAL IMMIGRATION/Retroactive Deeming

SUBJECT: Immigration Control and Financial Responsibility Act of 1996 . . . S. 1664. Simon amendment No. 3813 to the Dole (for Simpson) amendment No. 3743.

ACTION: AMENDMENT REJECTED, 36-63

SYNOPSIS: As reported, S. 1664, the Immigration Control and Financial Responsibility Act of 1996, will address the issue of illegal immigration: by increasing the number of Border Patrol and investigative personnel; by establishing pilot programs to improve the system used by employers to verify citizenship or work-authorized alien status; by increasing penalties for alien smuggling and document fraud; by reforming asylum, exclusion, and deportation laws and procedures; and by reducing the use of welfare by aliens.

The Dole (for Simpson) perfecting amendment to the bill would strike all after the first word and would insert the text of the bill, as amended, with one technical change.

The Simon amendment would exempt from the bill's deeming requirement those legal immigrants who are already in America except to the extent that deeming is already mandated under current law. (The deeming requirement in this bill will require the income and resources of an immigrant's sponsor to be deemed to be the immigrant's income and resources when determining that immigrant's eligibility for needs-based benefits during the first 5 years that immigrant is in the United States. Currently, deeming is required for Aid to Families with Dependent Children (AFDC) benefits for 3 years, Supplementary Security Income (SSI) benefits for 5 years, and food stamps for 3 years. When sponsors sign affidavits of support, they are giving their word to provide the support necessary to keep the sponsored immigrants from ever becoming public burdens in any way, not just from becoming public burdens by signing up on these three programs. Under current law, affidavits of support are legally unenforceable.)

Those favoring the amendment contended:

The current situation is that sponsors of legal immigrants know that the affidavits of support they sign are legally unenforceable.

(See other side)

YEAS (36)			NAYS (63)			NOT VOTING (1)	
Republicans (5 or 10%)	Democrats (31 or 66%)		Republicans (47 or 90%)	Democrats (16 or 34%)		Republicans (1)	Democrats (0)
Chafee	Akaka	Kerry	Abraham	Helms	Baucus	Kassebaum- ²	
DeWine	Boxer	Lautenberg	Ashcroft	Hutchison	Biden		
Hatfield	Breaux	Leahy	Bennett	Inhofe	Bingaman	EXPLANATION OF ABSENCE: 1—Official Business 2—Necessarily Absent 3—Illness 4—Other SYMBOLS: AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	
Mack	Conrad	Levin	Bond	Jeffords	Bradley		
Specter	Daschle	Lieberman	Brown	Kempthorne	Bryan		
	Dodd	Mikulski	Burns	Kyl	Bumpers		
	Feinstein	Moseley-Braun	Campbell	Lott	Byrd		
	Glenn	Moynihan	Coats	Lugar	Dorgan		
	Graham	Murray	Cochran	McCain	Exon		
	Heflin	Pell	Cohen	McConnell	Feingold		
	Hollings	Pryor	Coverdell	Murkowski	Ford		
	Inouye	Rockefeller	Craig	Nickles	Harkin		
	Johnston	Sarbanes	D'Amato	Pressler	Kohl		
	Kennedy	Simon	Dole	Roth	Nunn		
	Kerrey	Wellstone	Domenici	Santorum	Reid		
		Wyden	Faircloth	Shelby	Robb		
			Frist	Simpson			
			Gorton	Smith			
			Gramm	Snowe			
			Grams	Stevens			
			Grassley	Thomas			
			Gregg	Thompson			
			Hatch	Thurmond			
				Warner			

They also know that when they sponsor immigrants, deeming provisions apply to only 3 programs. This bill will change the rules in the middle of the game. Suddenly, people who sponsored immigrants knowing that their income would be deemed the sponsored immigrants' income for only 3 programs (with the deeming periods for two of those programs being only 3 years) will have their income deemed to be the aliens' income for all needs-based programs. The chaos this retroactive provision will cause will be immense. Students who have grants to attend school, and who have already completed a few years, will be forced to quit. State and local governments will have huge new expenses, because aliens who currently receive Federal Medicaid funds will be denied those funds, and State and local governments will be unable to make many sponsors pay as required by this bill. It is fundamentally unfair to change the rules in the middle of the game, and it will cause incredible hardship for sponsors, immigrants, and State and local governments. We therefore urge the adoption of the Simon amendment to make the deeming requirement of this bill prospective only.

Those opposing the amendment contended:

The deeming requirements in this bill can only be considered a retroactive change for those sponsors who are breaking their word not to let the immigrants they sponsored become public charges. For those sponsors who gave their word to provide support and are living up to it, the deeming requirement is meaningless because the immigrants they are sponsoring are not on any form of welfare. Our colleagues feel sympathy for those sponsors who lied about their willingness to support the immigrants they brought into America. We do not, and thus oppose this amendment.